

# Germany : "The mother of the witches"

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About half of all the women and men ever executed for witchcraft were German. Friedrich Spee, the great German opponent of the witch hunts, was right when he called Germany "the mother of so many the witches".<sup>1</sup> Almost 25,000 people were executed for witchcraft in the German lands. Why about 50% of all the executions for witchcraft took place in Germany even though only about 20% of the total population of early modern Europe lived there is the basic question this chapter tries to answer.<sup>2</sup> An analysis of the catastrophic German witch hunts might help us to under-stand the basic patterns of witchcraft persecutions in general.

The first German witch trials took place late in the 15th century. The witch hunts spread slowly from the Southwest to the North and to the East. Two major waves of witch hunting affected large parts of the county, the first around 1590, the other around 1630.

## Demonology and society

Did the German states witness more witch hunts because the influence of the demonological witchcraft doctrine was particularly strong there? It is certainly true that the witchcraft doctrine reached Germany comparatively early and was quick to adapt to the German legal environment. When the persecutions started in Switzerland in the early 15th century, Switzerland was still officially a part of the Holy Roman

*Table 7.1* Parts of Germany most affected by the witch hunts

<i>Region</i>	<i>Phase of most intensive witch hunting</i>	<i>Number of executions</i>
Hessia	1600–1605, 1650–1680	1,200
East Main Area-Franconia	1590–1630	3,600
Northern Germany	1570–1630, 1660–1675	3,200
East Germany	1590–1630, 1650–1680	1,100
Southwest Germany	1570–1590, 1610–1630	4,200
Moselle-Rhine Area	1580–1600, 1625–1630	4,600

Empire. Early demonologists like Fründ, Nider and Molitor were German or from German-speaking Switzerland and commented on German and Swiss trials. Heinrich Kramer (Institoris), the author of the notorious *Malleus Maleficarum* (The Witches' Hammer, 1486) came from the Imperial Free City of Schlettstadt (Sélestat, today in France) and spent most of his life in the Empire. He spoke a German dialect that made it easiest for him to communicate with German authorities. At Kramer's request, the papal bull 'Summis desiderantes' (1484) granted him the privilege to investigate against witches in "Germania superior", an ill-defined term that is probably best understood as today's South Germany and the Eastern Alpine region. Kramer's first more or less successful attempt to galvanize local authorities into hunting witches took place in the German Imperial City of Ravensburg. He claimed later on to have brought 48 witches to 'justice' in the German Southwest. Most of the contemporary examples of witchcraft Kramer quoted in his *Malleus Maleficarum* came from the German lands.<sup>3</sup> What is more, the *Malleus* appears to have been written with a German audience in mind. When Kramer gave concrete advice to secular judges in the third part of the *Malleus*, he seemed to assume that these judges had little formal training but some considerable leeway in making their own decisions, especially decisions concerning the use of torture. Many European regions left judges practically to their own devices in the late 15th century. However, Kramer seemed to suggest an almost arbitrary power of the judges that might best be seen as a reflection of de facto break down of criminal justice in the late medieval German states.<sup>4</sup> Kramer evidently developed his new witchcraft doctrine with Germany in mind. Thus, it was particularly easy for German authorities to relate to Kramer's teachings. There is some evidence for the *Malleus*' direct influence on local witch hunts in Germany.<sup>5</sup>

During the main phase of witch hunting between the middle of the 16th and the middle of the 17th century, however, there was only one other German among the most important advocates of the witch hunts: Peter Binsfeld, suffragan bishop of Trier. At the request of the prince elector of Trier, he wrote 'De confessionibus maleficorum et sagarum' (1589), in which he not only defended denunciations of witches by their alleged accomplices as reliable but summarized the entire witchcraft doctrine brilliantly.<sup>6</sup>

Some of the most prolific opponents of the witch hunts also wrote their works with Germany in mind. We have already mentioned the Jesuit Spee, who published his seminal work 'Cautio criminalis' in 1631 in direct response to the second major wave of witch hunts that had hit large parts of Germany in the late 1620s. Spee dedicated his work to the German princes. He criticized them for allowing irresponsible and ill-trained judges to use torture arbitrarily. Spee kept hinting at a secret that he did not dare to write down but that he would reveal if any prince agreed to meet him face to face. Spee's secret was undoubtedly that witches did not exist. Outside of the specific German context – a great number of princes who were all at least in theory totally in charge of criminal justice – Spee's argument would have made little sense.<sup>7</sup> Another critical author was a direct 'product' of the German judicial system. Christian Thomasius published two vehement attacks on demonology in 1701 and 1712. Thomasius was one of many law professors who wrote expert opinions for German courts. Imperial law requested local judges to seek the advice of legal experts. The basis for Thomasius' anti-demonology was a trial against a child witch he had had to examine in 1694.<sup>8</sup>

The evidence concerning demonology seems inconclusive: Germany clearly played a major role in early demonological tracts. However, some of the most outspoken opponents of the witch hunts were German, too. It might be more profitable to find out how important demonology really was in concrete German witch hunts. We need to discuss the German witchcraft imagination as documented in the trial records.

Here, the evidence seems to be overwhelming and unambiguous: The witchcraft imagination we find in German trial records was clearly influenced by demonological concepts. The pact with the devil, sexual intercourse with a demon lover, the so-called sabbath and the witches' flight figured very prominently in most parts of Germany. It would be too simple to assume that judges with some demonological knowledge simply forced the defendants to confess what they expected to hear, including details about diabolism that were essentially alien to the accused. Sermons and confessions that were often read out publicly before the executions quickly taught peasants and townspeople the basics of demonology. They adapted the witchcraft doctrine to their own needs and experiences. During the 16th century, a 'popular demonology' came into existence in Germany: The witchcraft doctrine began to mingle with the popular belief in malevolent magic and in a host of spirit beings. As early as 1536 in Saxon trials, a benevolent household spirit in the form of a dragon that was deeply rooted in East German folk belief literally morphed into the devil as a demonic lover. Witchcraft quickly and effectively marginalized other magical thoughts: Strange nightly noises on a mountain top that local tradition had had explained as a ghost battle soon featured in witch trials, where they were presented as evidence for a witches' sabbath. Rituals of popular Catholicism that 'punished' the statue of a saint for sending rain and hail were abolished when witch trials began to punish the witches for weather magic.<sup>9</sup>

The places where the witches supposedly met for their sabbaths could be regarded as metaphors for the immediacy of the witches' menace. Of course, a number of witch trials stated that the witches danced on some lonely and far away mountain. The witches of Rostock, for example, claimed that they flew almost 300 km to the Blocksberg, a mountain that most of them clearly had never seen.<sup>10</sup> In many other trials, however, the witches were said to come together in the immediate vicinity of their villages. An example might be the Hoxberg mountain in the Saar region that was the direct neighbour of a number of villages: The sabbath was supposed to take place about a two hour walk from half a dozen settlements, on a mountain top that was plainly visible for miles around.<sup>11</sup> As if to mock the witch hunters, the witches of Pfullendorf and Laiz in Southwest Germany were said to dance on gallows hill. In Rottenburg, hundreds of witches celebrated the sabbath in the garden of the sheriff's castle. Even witches who had already been arrested managed to join the dances that took place in the castles of the Swabian Hohenzollern, the Catholic cousins of the ruling house of Brandenburg that would rise to the throne of the Second German Empire.<sup>12</sup> Obviously, the witches were not afraid of the princes and officials who were in charge of the witch trials, and they did not fear the grim symbols of criminal justice displayed on gallows hill. The insolence of the witches went even further than that. In Osnabrück, the witches' feast took place on a public square in the city where the usual fairs were held.<sup>13</sup> In Tübingen, the witches were supposed to dance on the market place. In Freiburg im Breisgau, they assembled right outside one of the main

city gates, apparently in plain view of the guards who were supposed to man the gates. In Horb, one of the centres of the persecutions in Swabia, the witches met in the hospital, one of Horb's biggest buildings, right in the middle of the town. In one of the earliest German witch hunts, the one conducted by Kramer himself in Ravensburg in 1484, the witches met for a sabbath-like gathering right outside the town wall, only a couple of paces from Ravensburg's main church.<sup>14</sup> These sabbath imaginations drove home alarming messages: The witches did not seem to fear the authorities in the least. They had conquered spaces of everyday life – not only the hilltop you saw every day, but also the market place, the city gate – for their gatherings. This meant that your everyday perception of these places was erroneous or at least did not reveal the entire truth. What seemed to be mundane parts of life, reliable and 'safe', had long been infiltrated by the witches. You could not trust the authorities, you could not trust your own senses. The witches were everywhere.

The witches of the German witch hunts were first and foremost weather magicians. Of course, witches killed and maimed; they brought death and disease to the peasant household, targeting the family as well as the livestock. Still, German witch hunters were most interested in weather magic. The witches supposedly threatened the harvest with rain, hail and frost. Time and again, the only point of the witches' sabbath seemed to have been to give the witches the opportunity to engage in weather magic collectively. In very many cases, a thunderstorm or a frost that threatened a region or a village with crop failure provoked a witch hunt. The connection between witch hunting and the Little Ice Age is obvious. Of course, all of Europe suffered from climate change. However, in Germany, where witches were mostly regarded as weather magicians, it was desperately simple to blame witches for long spells of cold and rain. Centres of the persecutions in Germany were Franconia, the Moselle-Rhein region and some areas in the Southwest. All of these places were wine growing regions. This was no coincidence: The vineyards were of course especially vulnerable to inclement weather. Other regions with more robust economies or a favourable micro-climate experienced fewer witch trials, e.g. the shores of Lake Constance, which were famous for their high temperatures, and the town of Schwäbisch-Hall, which depended on the most stable salt trade, witnessed comparatively few witch hunts.<sup>15</sup>

As the German witchcraft imagination focused on weather magic, witches used their power mainly to do harm, not to further their own interests. As a rule, they did not profit from their magic. A hailstorm that destroyed the crops devastated the witch's own fields as well. The witches did what they did because the demons told them so. Thus, it was never possible to defend oneself against witchcraft accusations simply by pointing out that one's own family suffered from the consequences of crop failure just like everybody else. Witch belief destroyed even the basic communal solidarity that was founded on a shared experience of misery. Weather magic harmed the entire village or even the entire region. Thus, the witch could not be one person's enemy and some other person's friend. She was always everybody's enemy. Nobody could ever side with the witch or even think for a moment that her aggression might in any way be justifiable.

The witches not only conquered large parts of folk belief and everyday culture but also were quick to claim space in the social sphere, too. German witches did not have any specific social profile. Apart from the fact that the vast majority were female – about 80%, even though there were any number of regional differences – little can

be said about the social characteristics of the culprits. They came from all age groups and all walks of life. It is certainly true that in some parts of Germany witchcraft accusations started on the margins of society. It could take them months or years to make inroads into the middle class and the upper middle class if they managed to do that at all.<sup>16</sup> In other areas, however, it was taken for granted from the beginning of the witch hunts that there were witches in all strata of society and especially in the upper class. One of the first witch trials of Günzburg in 1530 targeted a woman whose father and grandfather were not only members of the town council but also clearly belonged to its ruling faction.<sup>17</sup> The intensive witch hunts in parts of the Moselle area were based on the conviction that the most aggressive and the most influential witches belonged to the highest echelons of urban society. Germany might be the only country that executed a significant number of Catholic priests for witchcraft.<sup>18</sup>

The 'Evil People Paradigm' might be the best way to describe the genesis of rumours of witchcraft in Germany. On the basis of popular demonology, accusations of witchcraft were a way to express any kind of deep distrust and severe hostility. As a rule, accusations of witchcraft had a background of long-standing tensions within a local community or within a family. In the trial records of the German witch hunts we find time and again the same kind of reasoning: Persons with a bad reputation, persons who were known as overtly aggressive, were accused of witchcraft. They were obviously evil, thus it was likely that they were in league with the devil. Of course, in any kind of protracted conflict, the personal opponent could begin to appear like a truly evil person. In the background of a great number of German witch trials we find real criminal activity; arsonists, for example, were often accused of witchcraft, too. However, we also find banal but bitter family quarrels, conflicts between neighbours or between tenants who had to share the same house in an early modern town. A trial from Coburg seriously presented the fact that the defendant was in the habit of clearing the table before her guests had finished eating as damning evidence in a witch trial. Even corruption and petty political feuds could lead to accusations of witchcraft. Easily the most prominent witch of 16th-century Germany was Dr Diederich Flade, executed in 1589. Flade was not only an exceedingly affluent man and one of the leading officials of Trier but also a judge who had already sent several witches to the stake. Nevertheless, suspicions of witchcraft against him were so widespread and well known that children followed him in the street shouting 'wizard, wizard'. Flade was a careerist who had supported the prince archbishop of Trier in a conflict with the communal authorities. He was a notorious usurer and he took bribes. One might call this connection between seemingly mundane conflicts and accusations of witchcraft an early modern variant of the banality of evil. It is rather telling that in some regions of early modern Germany, the term 'evil people' was used as an equivalent of 'witches'.<sup>19</sup> Thus, large parts of the German population not only used witch trials to deal with general experiences of severe crises like crop failure. Witch hunts were a means to deal with personal crises, experiences of conflict and social tension, too.

### **The empire and the principalities**

Economic hardship caused by crop failure was clearly one of the engines that drove the witch hunts in Germany. However, when we look more closely at the number of victims, it becomes obvious that the Little Ice Age and the agrarian crisis connected

with it provided merely the background for much more complicated developments. Wine growing regions were likely to witness large numbers of witch hunts. However, within these regions there were most significant differences. Generally speaking, the intensity of witch hunting in Germany could differ greatly even between territories that were direct neighbours. The comparatively small county of Hohenberg in the Southwest sent about 440 witches to the stake. That equalled an execution rate of 76%. The neighbouring duchy of Württemberg executed only about one third of the accused, a grand total of about 180 persons. The total population of Württemberg was roughly 430,000, that of Hohenberg 15,000. The margraviate of Baden-Durlach executed fewer than ten persons as witches. The sister territory Baden-Baden, ruled by a different branch of the same dynasty, burned more than 270. Other twin territories like Mecklenburg-Güstrow and Mecklenburg-Schwerin exhibited a similar pattern. In the tiny territory of the Protestant Imperial City of Reutlingen more than 50 people were sent to the stake. Seventy km away, in the huge territory of the Protestant Imperial City of Ulm, only about ten persons were executed for witchcraft. The prince electorate of Trier witnessed, like many other territories, two major waves of witch hunting: The first in the 1580s and 1590s, the other in the 1620s. The prince electorate of Trier executed about 700 witches; the execution rate was almost 90%. Both waves failed to reach Trier's neighbour, the Palatinate. The Palatinate remained entirely free of witch trials.<sup>20</sup>

Why did the witch hunts in principalities that were direct neighbours and faced comparable socioeconomic conditions still differ so greatly? It pays to have a closer look at the concrete administrative conditions of these principalities. The Holy Roman Empire of the German Nation was a federation of – depending on your way of counting – hundreds or even thousands of states. There were essentially three types of states: Hereditary monarchies, elective monarchies and republics. The hereditary monarchies were of course governed by aristocratic families. The elective monarchies were ecclesiastical lands ruled by the (elected) princes of the Catholic church: prince abbots, prince bishops and prince archbishops. The political territory a bishop ruled like a prince, his 'Hochstift' (in the case of an archbishop 'Erzstift'; plural: Hochstifte or Erzstifte), must not be confused with the spiritual territory or diocese he governed, his 'Bistum' or 'Erzbistum'. A drastic example is the bishop of Konstanz: His Bistum or diocese reached from the source of the Rhine in the Alps to the Swabian lands North of Stuttgart. His Hochstift, however, was a comparatively small territory on the Northeast shore of Lake Constance. The Hochstift was not simply a piece of land the bishop or the bishopric owned like a private person might own land: The Hochstift was the territory in which a bishop, archbishop or abbot exercised all the rights a secular prince would have in his principedom. The criminal courts of the Hochstift were secular courts as they belonged to secular territories, even though a Catholic ecclesiastic ruled these territories. The courts of the Hochstifte used secular, not canon law. They were no ecclesiastical courts; they were staffed by laypersons. Obviously, they were in no way connected to or even subjected to the Inquisition.<sup>21</sup> The failure to distinguish between the Hochstift and the Bistum and to understand the nature of the criminal courts of the Hochstifte has led to much confusion. It is – together with the long-term effects of Bismarck's Kulturkampf and Nazi propaganda – one of the reasons why the German collective memory has a marked tendency to exaggerate the Catholic church's involvement in the witch hunts.<sup>22</sup>



The third type of state in the Old Empire were quasi-republican city states. These Imperial or Free Cities acknowledged only the emperor himself as their overlord. The town council or a committee formed by the council was at the same time the executive and the legislative body of the town. Members of the town council also served as the judges or the jury of the town's courts. The councils elected the burgomasters as representatives of the town and as the heads of the communal executive. The councils selected their own members themselves by co-optation. As a rule, only members of the old merchant elite, the patricians and leaders of the guilds had access to the town councils. Some of the most populous and wealthiest German cities were Imperial Cities (e.g. Cologne, Augsburg, Nuremberg, Hamburg). Some of the Imperial Cities (e.g. Rottweil, Ulm) controlled large territories outside of the city walls: They were themselves territorial lords that ruled the neighbouring countryside. However, Imperial Cities were not necessarily big or affluent communities. Especially in the German Southwest, there were a number of tiny and rather poor Imperial Cities (e.g. Giengen, Isny, Weilder Stadt) that in terms of their population, cultural significance or economic strength were dwarfed by many of the towns that were under the overlordship of a prince (e.g. Dresden, Mainz, Munich, Stuttgart). The towns that recognized a secular or ecclesiastical prince as their territorial lord had to involve some official(s) of that prince in many of their administrative or jurisdictional activities. Depending on the privileges of the individual town, this involvement could take on any form from authoritarian control that practically prevented the communal institutions from making any important decisions themselves to a loosely defined participation in the selection of local office holders. Again, the political power and privileges of the town had nothing to do with its size. Most German towns had well under 5,000 inhabitants. Only a few could boast a population of more than 30,000. A domineering metropolis like Rome, Paris or London did not exist. The emperor resided in Prague or Vienna, but the Empire as such did not have a capital.<sup>23</sup>

When we talk about late medieval and early modern German territories we can use the term 'state' only in the broadest sense. Many German territories never established a clearly defined citizenry, largely undisputed borders, recognized public authority and state laws as well as some kind of diplomatic representation. When the Final Recess of 1803 did away with the old territorial order of the Empire three years before the Empire itself officially ceased to exist, many of the German territories were 'failed states'.

The 1532 imperial criminal code of Emperor Charles V (usually referred to as the Carolina) presented a legal framework for handling various offences, including magical crimes. The Carolina treated magic rather leniently and ignored the demonological doctrine. The imperial law did not even mention demonic pacts or the sabbath. The Carolina listed a catalogue of permissible evidence in trials against sorcerers that ascribed secondary importance to common rumours. Only harmful magic was explicitly made a capital offense. Judges were to use discretion in punishing all other kinds of magic. As many judges had no formal training, the Carolina explicitly required them to seek the advice of learned jurists. Especially if a judge considered the use of torture, the Carolina required him to ask for expert advice first. Thus, the Carolina certainly did not encourage witch hunts. If the minimum standards of the Carolina had been adhered to, Germany would never have become the heartland of the witch hunts.<sup>24</sup>

However, as far as criminal law was concerned, the Empire respected the sovereignty of the German principalities. Under pressure from the aristocracy and the Free Cities, Charles V had included the so-called salvatory clause in the Carolina: The legislators of princedoms and Free Cities could choose whether to accept the norms of the Carolina in their lands or to replace them with their own laws. While the Carolina ignored demonology, it did not discredit demonological arguments. The dukedom of Württemberg made demonic pacts alone a punishable offense in 1567. In 1572, the prince elector of Saxony passed a law that made pacts a capital crime. Such laws invited the use of torture, as they placed great emphasis on an element of the demonological stereotype the courts could not possibly prove by eyewitness accounts or material evidence. The federal nature of the Holy Roman Empire that allowed any German territorial state to have its own witchcraft laws existed well before the main phase of the witch hunts began in the 1560s. It still existed and continued to exist after the end of the German witch trials in the second half of the 18th century. Thus, it is to a certain degree misleading to talk about 'German' witch hunts. It would be more appropriate to talk about 'Bavarian', 'Saxonian', etc. witch hunts instead. Insofar, it makes a lot of sense that most monographs about witch trials in Germany are regional studies.<sup>25</sup>

The federal nature of the Holy Roman Empire strengthened the individual principalities, but it was far from rendering its central institutions entirely passive. There were various appellate courts under Habsburg tutelage that made the German legal system even more complicated. Strictly speaking, appeals were not admissible in criminal cases. The possibility existed, however, to address procedural complaints about any trial to the courts of appeals. The highest courts of the Empire were the Imperial Chamber Court (Reichskammergericht) and the Imperial Aulic Court (Reichshofrat). At times, both competed with each other. Suspects who were sufficiently knowledgeable and well-off so that they could draw the imperial judges' attention to their cases at least slowed their trials down. The Empire's appellate courts exercised a beneficial influence on the witch hunts comparable to that of the parlement of Paris or the High Court of Flanders. The Imperial Chamber Court based all its verdicts strictly on the Carolina. The highly qualified judges of the Imperial Chamber Court set (and often raised) the tone of any legal discussion in which they became involved. Their often harsh criticism of miscarriages of justice in witch trials helped to end some regional persecutions. Thus, the central institutions of the Empire were weak in theory, but they should not be underestimated in practice.<sup>26</sup>

The same holds true for the Empire's highest authority, the emperor himself. Direct appeals to the emperor could slow down witch hunts. The most prominent example is that of the county of Hohenems. Complaints against the gross injustice of the Hohenems witch trials were sent to the emperor. Leopold I demanded a thorough investigation. He subjected the count's authority to that of his most powerful neighbour, the prince abbot of Kempten, who was to serve as an imperial commissioner. The emperor managed to put some very real political 'muscle' behind the Empire's authority by harnessing Kempten's considerable power. In the course of an investigation that unearthed serious miscarriages of justice, the prince abbot eventually wrenched the lordships of Schellenberg and Vaduz from count Hohenems. With the emperor's backing, the Liechtenstein dynasty took possession of these territories, which they have kept as an independent monarchy until the present day.<sup>27</sup>



To sum up: The central institutions of the Empire were certainly not the driving force behind the persecutions. Rather, they curtailed the persecutions by enforcing basic legal standards.

One essential element of the German witch hunts must not be overlooked: In all German criminal courts, the use of torture was perfectly legal. Imperial law officially recognized torture as a means to provide a confession. However, it was meant as the very last resort of the judge: Only if the judge was practically sure that the defendant was guilty could he order him to be tortured in order to achieve a confession. A verdict without a formal confession was highly problematic. The imperial law had wanted judges to use torture in that way only. Unfortunately, many lay judges based the whole legal procedure on torture and were all too ready to use it. This holds especially true in witch trials, where it was always very difficult to find any reliable witnesses or material evidence. Torture became the rule rather than the exception. Even in principalities that officially recognized the standards of the Carolina, lay judges were often left to their own devices and simply ignored the law.<sup>28</sup>

### **Organizing witch hunts**

Who was responsible for Germany's great witch hunts? The names of a small group of prince abbots and prince bishops come to mind. Their respective territories, situated in a great region that today belongs to southern Hessen, northern Bavaria and eastern Baden-Württemberg witnessed some of the worst witch hunts ever. Balthasar von Dernbach (prince abbot of Fulda), Johann Gottfried von Aschhausen (prince bishop of Bamberg and Würzburg), Johann Georg Fuchs von Dornheim (prince bishop of Bamberg, Aschhausen's successor), Julius Echter von Mespelbrunn (prince bishop of Würzburg), Philipp Adolf von Ehrenberg (prince bishop of Würzburg, Echter's nephew and successor) and Johann Christoph von Westerstetten (prince provost of Ellwangen, later prince bishop of Eichstätt). All of these so-called witch-bishops considered themselves the spearheads of Tridentine reform in Germany. For them, the fight against witches was clearly part of an apocalyptic battle against evil and for the purity of the church. In the case of Echter, recent research was able to prove that he was far less pro-active than formerly assumed. Echter apparently tried to exercise a modicum of control over the witch hunts in order to prevent even more miscarriages of justice.<sup>29</sup>

The basic problem was organization, not the stance taken by individuals. Even a very determined prince bishop from the German province whose ideas about true Catholicism would have alienated the Vatican was certainly not enough to start a witch hunt. The basic problem was that the prince bishops either set up special courts for witches or suffered them to come into existence. These institutions were either completely new or they constituted a thorough restructuring of existing agencies. What really mattered was that a small special court or a committee of administrators was able to exercise practically unlimited control over the witch trials. Such witch-finder institutions were small and of comparatively simple structure. Their purpose was not so much the thorough investigation of rumours of witchcraft but rather the persecution of witches as such. The princes let these witch-finder administrations acquire special powers that placed them outside the ordinary legal system and beyond the control of other government agencies. Thus freed of any administrative

restraints, the institutions became independent bureaucracies honed for efficiency. They 'processed' a great number of suspects in a very short time. It was typical of these witch hunter administrations that they ignored due process and relied heavily on denunciations and the use of torture. As these administrations owed at least in theory their power to a prince, we could call the persecutions they instigated persecutions 'from above'.<sup>30</sup>

A number of German princes appointed special witch commissioners whose sole function was to organize witch-hunts. Some princes made such appointments with the ultimate goal of reducing the number of trials and eventually letting them die out. The witch commissioner Dr Leonhard Neusesser, who virtually ended the witch-hunt in the Habsburg territories in modern-day Bavaria, is a case in point.<sup>31</sup> However, most princes apparently employed witch commissioners with special powers to promote witch-hunts. For example, the prince elector of Cologne authorized Dr Heinrich von Schultheiß to superintend the witch trials in Westphalia. Dr Wolfgang Kolb worked as a witch-finder for the prince bishop of Eichstätt, the count of Oettingen-Wallerstein and the duke of Bavaria, who gave him the title of 'Rat von Haus aus' (councillor with special commission).<sup>32</sup> Even some towns granted additional powers to clerks who were supposed to investigate rumours of witchcraft. In the Imperial Free City of Esslingen, the town council empowered the attorney Daniel Hauff to prepare all charges against witches. Hauff used his assignment to rise to the position of town councillor. Hermann Cothmann, the notorious 'witch burgomaster' of Lemgo in Westphalia, began his career which would eventually lead him to the very top of the town's hierarchy as Lemgo's 'director of criminal trials against sorcerers and witches'.<sup>33</sup>

Witch-finder institutions were originally meant to bridge the administrative shortcomings of numerous German states. As these special administrations realized the prince's jurisdiction dramatically in all his lands, their witch hunts contributed directly to the process of state formation. However, their 'success' and indeed their usefulness was short-lived. Mounting death tolls began to damage the very fabric of society and state. The increasing power of the witch-finder agencies was viewed with suspicion. Above all, catastrophic witch hunts invited criticism from the relatives of the condemned and from neighbouring states.<sup>34</sup>

Various German principalities witnessed severe witch persecutions 'from below', initiated and organized by so-called subjects without or even against the will of their lord. Peasants and people from small towns made their voices heard during the witch hunts and often even managed to usurp parts of the legal administration. Thus, people without any legal training whatsoever influenced criminal procedures critically. Some of these grassroots witch hunts were among the most ferocious persecutions ever. Some rural communities seemed to be on the verge of committing suicide via witch trials.

Witch hunts 'from below' took various forms. In the Rhine-Moselle-Saar region, communal self-government was traditionally strong. Peasant communities elected village committees to redress local grievances. As a rule, the basis of their power was an ad hoc village covenant that acknowledged the committee as acting on behalf of the whole community. The respective lord had at best nominal control over these institutions. A committee might, for example, reform the local tax system or act as the legal representatives of the village in court. However, a village might also elect

a committee for the sole purpose of witch-hunting. Such witch hunting committees established their own investigative organization. They actively collected evidence, heard witnesses and contacted official courts to learn about denunciations. They might force their services as prison guards on the prince's officials. Some committees even employed their own scribes and lawyers. Jurists from the nearby towns quickly learned that it was very lucrative business to work for communal witch hunting committees. Committees brought charges against witchcraft suspects collectively. Of course, the activities of the witch-hunting committees were costly. Some members of the committees earned a substantial additional income. As a rule, the accused or their relatives had to pay not only the expenses for the trial proper but also for the (strictly speaking extra-legal) investigations of the committee. The committees even invented imaginative schemes to cover the often considerable costs of their activities. Some advocated that well-to-do suspects should pay the expenses for poorer trial victims, others thought it appropriate to have suspects pay for investigations against themselves no matter whether they were proven guilty or not. It was often part and parcel of the village covenant on which the committee's work was based that the local community itself declared that it would cover all the costs caused by witch hunting. Some villages introduced a witch tax to finance the committees.<sup>35</sup>

The local and regional courts of the princes and their law enforcement officers found it difficult or indeed impossible not to cooperate with the committees, let alone to reject charges brought by them. An official from the Moselle area boastfully compared the members of the witch hunting committee to a pack of hounds he used when he wanted to go hunting.<sup>36</sup> In truth, these dogs pulled the hunter into the hunting ground and were ready to bite him if he did not follow them quickly enough. With the authority of the community behind them and officeholders of the prince mostly willing to accept them as partners, communal witch hunting committees enjoyed a uniquely strong position. It was next to impossible for individual witchcraft suspects to protest against the activities of the committees.

Village committees were part of the communal self-government apparatus in a number of West German principalities. In other regions, town councils and traditional peasant assemblies initiated and organized witch hunts. In many German small towns, the town council was partly identical with the town's criminal court. As a rule, the judges of these small town courts had very little or absolutely no legal training. Still, many princes left the town courts to their own devices. The middling sort and even peasants from the neighbouring countryside found it often quite easy to influence such lay courts. In the Black Forrest-Neckar River region, town councils dominated by the middle class organized exceptionally severe persecutions. The town councils of Rottenburg and Horb, for example, were under the influence of petty winegrowers. Both towns witnessed about 200 witch trials. The Hohenzollern princes who hesitated to burn witches had to face very angry representatives of villagers that demanded more severe witch hunts in no uncertain terms. In 1602 in the county of Wertheim, the village population tried to force their somewhat reluctant lord into witch-hunting. Villagers carried around a wooden staff, and everybody willing to support the witch hunt was supposed to cut a notch into it. Thus, communities not only made their decisions collectively, they also demonstrated to outsiders (and would-be opponents) how determined they were. The Wertheim government became very nervous when it learned about this witch-hunting organization. Traditionally,

peasant rebels had used the ritual of cutting notches in a staff to recruit supporters and to organize themselves. The notorious persecutions in the ecclesiastical territory of Marchtal were in fact the persecutions of the village of Alleshhausen, an isolated settlement that had contrived to shake off the Marchtal prince abbot's control. In 1745, members of Alleshhausen's local elite even managed to gain influence over Marchtal's central court. They ignored expert opinions from learned jurists until they got opinions that suited their witch-hunting zeal. The result was a persecution in the 1750s, one of Germany's last great witch hunts.<sup>37</sup> Time and again, reluctant authorities had to face so-called common people who demanded witch hunts aggressively. Witchcraft hysterias like that of Preetz near Kiel in 1665/66 or that of Annaberg in Saxony in 1712–1714 are cases in point.<sup>38</sup>

A variant of communal witch hunting were the persecutions in the German dwarf states. Here, the German gentry or petty nobles ('*ritterschaftlicher Adel*', especially in northern and eastern Germany) or the prince abbots of minor ecclesiastical lands who were nominally in charge of their miniscule lordships had to cooperate with the population. These miniature states had hardly any legal administration to speak of but could still pass death sentences. As persecutions here had an aristocratic figure-head or even a noble witch-hunter as one of the driving forces, they were not strictly communal in character. However, they were still based on local, very small and rather simple legal apparatuses that required close cooperation with the peasant population and worked without outside control. If a community in a dwarf state demanded witch hunts, it would have been political suicide for the petty lord not to comply with these wishes. *Vis à vis* a community that was determined to rid itself of the witches, the lords of petty states were in the same or even a weaker position as the local office-holders of bigger territorial states. They had hardly any other option than to 'flee forward'. At times, accepting communal demands for witch hunts could be part of a local ruler's populist policy designed to consolidate his structurally weak or newly imposed lordship. A good example might be the witch hunts in the dwarf territories of the monasteries of St Maximin near Trier or Fraulautern in the Saar region. Both the prince abbot of St Maximin and the prince abbess of Fraulautern fought for the independence of their tiny principalities against vastly superior neighbours, the prince archbishop of Trier and duke of Lorraine, who questioned their authority. Alienating the powerful witch hunting committees of their so-called subjects who burned hundreds in St Maximin and dozens in Fraulautern was hardly an option for the 'authorities' of the dwarf territories.<sup>39</sup>

Princely governments and their officials in the communities proved incapable of controlling the communal agents of persecution. This of course does not mean that they welcomed their activities. Even if many local officials were obliged to cooperate with communal witch-hunters, no government supported them willingly. Some witch-hunting organizations openly ignored direct orders of the princely administration. Even if they did not, communal witch-hunting groups questioned *per se* the authority of the emerging state apparatus. They claimed that they could handle a central element of law enforcement – investigation and accusation – more efficiently than the prince's officeholders. More importantly, the very existence of local witch-hunting organizations as a form of criminal justice outside the state apparatus questioned the authority of the state itself. Explicitly or implicitly, the grassroots witch hunts suggested that criminal justice did not belong exclusively to the sovereign.

Authority over the criminal courts was a hallmark of lordship in the emerging states of early modern Germany. All princes and the councils of autonomous towns either strove to achieve this authority or, after successfully monopolizing it, tried to defend it against any encroachment.

The witch-hunting agencies of subjects can be regarded as aggressive forms of communalism. The witch hunts show the negative side of communalism. Communalism was a form of voluntary local organization based on periodic meetings of householders resident in the community, and on their right to define local norms and to appoint non-professional office holders. Some historians have gone so far as to call communalism a precondition of republicanism in Europe. Villages and small towns turned witch-hunting into an expression of autonomy. It was, in a way, an outward sign that demonstrated their independence from the princely state's hierarchical institutions. The communalistic structure is especially obvious in cases of witch-hunting committees and their attempts to finance persecutions. They established their own quasi-legal rules and aimed at creating their own administrative apparatus, including a nascent system of taxation. The reason for the eventual failure of all witch-hunting committees was that they never fully achieved that aim. As various members of committees competed for money, they never managed to set up their own fully functional financial administration. The communalist set-up of these organizations prevented them from forming larger structures with better access to sources of revenue. After some years, the local structure of witch-hunting broke down due to a lack of finances. The village committees could not compete with the state apparatus.<sup>40</sup>

Grassroots witch-hunts organized by the councils of small towns proved to be less prone to financial difficulties than the witch-hunting committees of villages in the western territories of the Empire. However, they faced other problems. In contrast to the witch-finder committees, the town councils had of course not been founded for the sole purpose of witch hunting. They had a variety of tasks to master and they needed to integrate conflicting interests. Even if they managed to unite on the issue of witch hunting and to defy outside influence, especially that of the prince, for some time, they were incapable of doing so for more than a few years. Towns and town councils were as a rule too complex in themselves to favour radicalism of any kind. A radical faction that demanded intensive witch hunts was unlikely to hold sway for very long.<sup>41</sup>

What did the witch-hunting institutions of the princes and the grassroots witch-hunting organizations of the communities have in common? Both had a simple structure that allowed the witch trials to progress swiftly from initial accusation to execution. The reason for this procedural similarity was due to the fact that both systems lacked internal controls or 'checks and balances'. Intense witch-hunting depended on the ability to proceed summarily against witches. States that subjected their criminal courts to administrative control were less prone to witch-hunting. The more complicated and critical the legal system, the longer the way to the stake, the less likely it became that the accused actually had to go there. The further removed the controlling agency was from the local milieu in which the suspicion of witchcraft had arisen, the less likely it was to find the suspect guilty. Central high courts that had the power, or indeed the regular duty, to supervise local criminal courts tended to slow down the witch-hunts or to quash them altogether.



Some of the larger and better organized German principalities boasted powerful central institutions that were capable of controlling witch-hunts. A good example was the duchy of Württemberg. After 1572, the local criminal courts of Württemberg had to report every criminal trial to a central governmental institution, the Oberrat (superior council). The Oberrat superintended all criminal procedures, including the decision whether and when to apply torture. The Oberrat not only was dominated by trained lawyers but also cooperated closely with the law faculty of Tübingen University. Electoral Saxony more or less followed the Württemberg pattern. There, the High Court of Leipzig controlled the progress of witch trials. Brandenburg-Prussia adopted a similar judicial structure. In all of these territories, only about one-third of all accused witches suffered capital punishment. The Palatinate had a similar organizational structure. Here, however, the government agencies were influenced by the sceptical views of Hermann Witekind. Thus, the Palatinate did not execute any witches at all.<sup>42</sup>

If there were no central controlling agencies, open discussions within the court system were a good way to keep witch-hunting at a low level. Germany's largest cities and towns experienced remarkably few witch trials. Cologne witnessed the execution of fewer than forty witches, Augsburg sixteen, Hamburg fourteen. Frankfurt and Nuremberg seem not to have executed any witches at all. All of these cities had more than 30,000 inhabitants around 1600, i.e. they were among the biggest cities in the Empire. The main reason why big cities witnessed comparatively few witch trials is that their political elites were simply not part of the communicative circles of the lower strata of urban society. In order to preserve its political power, the well-established council elites of big cities kept themselves informed about rumours in the town but, for the same reason, were sceptical of such popular gossip. The city councils themselves, at least in the larger cities, were relatively complicated political structures. They were often divided into competing factions and staffed by self-assured members of powerful families or guilds. The very structure of those councils made it unlikely that they would arrive at rash or radical decisions. The discussions and critical appraisals that characterized the legal administration of a well-ordered principality existed *in nuce* in the councils of big towns.<sup>43</sup>

Small witch-finder organizations authorized by a prince and communal witch hunting groups bypassed or replaced more complex systems of administration. Only states the legal administration of which was weak to begin with allowed the rise of such witch hunting institutions. This might be the reason why we find the most aggressive variants of both, witch hunting from above and witch hunting from below, in ecclesiastical territories. As elective monarchies, ecclesiastical territories lacked a ruling dynasty. The heads of state, bishops and abbots, usually elected at a mature age, enjoyed relatively short terms in office. Coming from the nobility, many of them had the interest of their aristocratic relatives, not that of the Hochstift as such, in mind. Thus, the policies of ecclesiastical territories were prone to frequent and drastic changes. It was rather unlikely that the cathedral chapter would choose two bishops in a row from the same aristocratic family. (The only real exception here is of course a massive one: The archbishopric of Cologne was for centuries under the control of the Wittelsbachs.) Thus, many prince bishops were not too interested in thorough administrative reforms that would take time and effort or in creating stable governmental structures in their Hochstift. There was little incentive for that. On the

contrary, there was, after all, always the very real possibility that the younger son of a competing dynasty would be the next bishop and thus 'inherit' a stronger administration that he could exploit for the benefit of his own family. Thus, many ecclesiastical territories were de facto 'failed states'. Such deficits in state formation invited witch hunts, both 'from above' – as a kind of administrative mistake born out of weakness and a lack of experience – and 'from below' – as the near-total failure of governmental structures in the countryside and their replacement by communal forces.

### Ending witch hunts

Even in the comparatively well-organized German principalities, witch-hunts could become a controversial political issue. The debate about witch-hunts that took place early in the seventeenth century in the duchy of Bavaria is a good example. The severe witch-hunts of the 1580s had provoked the formation of two opposing parties at the duke's court. The Zelanti or zealots advocated tough laws against witchcraft and demanded more witch trials. The Zelanti came from a background of well-to-do but provincial families that still fought for a secure foothold in the upper strata of the duke's administration. On the other side stood the Politici, the advocates of *raison d'état*. They were a faction of influential and well-established office holders with an urban background who were very reluctant to allow witch-hunts. Whenever the Zelanti managed to goad the ducal administration into another wave of persecutions in the Bavarian province, the Politici opposed them vehemently. They demanded expert opinions and threatened the local witch-hunters with dire consequences should they not observe due process. In 1612, Bavaria passed one of the most severe laws against witchcraft in German history. The Zelanti seemed to have won the day. However, their opponents managed to stop the publication of the mandate. The law was watered down and finally rendered inconsequential. One year later, the Politici had a witch-hunter executed for the miscarriage of justice. The Zelanti faction never recovered from that blow.<sup>44</sup>

Conflicts about witch-hunts could play a major role in German community politics. In the Imperial Free City of Reutlingen, witch-hunting had become an integral part of the struggle for political power between the 1590s and the 1660s. Whenever the ruling clique of the town council retired, the would-be successors fought among each other. Some of them sought the support of the public by calling for decisive action against the witches. Populist demands for 'tougher' criminal justice were certain to meet with a favourable response from the general public. Thus, Reutlingen temporarily deviated from the urban pattern. As soon as the new power elite of the city council had established its position, witch-hunting ceased. The new leaders sometimes even made a positive effort to end the prosecutions they had helped to initiate.<sup>45</sup>

The end of the witch-hunts in Germany came in the great reform period after the Thirty Years' War. Most principalities came under the control of complex and flexible governmental apparatuses controlled by responsible professionals. The dead ends of the state building process, overtly simple legal administrations that had given too much power to special administrations or communal agencies, disappeared. The decline of witch hunting was not only a result of this process. In some principalities, the witch hunts drove this process, albeit in a negative way: Excessive witch-hunts,

especially those 'from below', justified decisive measures of the central government against local autonomy. In Electoral Trier, prince archbishop Karl Kaspar von der Leyen simply banned witch trials in 1652 as part of a reform program designed to increase the government's authority. A few years later in Electoral Mainz, prince archbishop Johann Philipp von Schönborn de facto ended the witch trials for the same reason.<sup>46</sup> The Württemberg government sent armed forces to end the last serious outbreak of witch-hunting orchestrated by a rural town. In Brandenburg and annexed Pomerania, King Friedrich Wilhelm I overcame local resistance against his rule during the last prosecutions in the early eighteenth century. As if to express their newfound authority, some monarchs reserved the ultimate verdict in all witch trials for themselves. Friedrich Wilhelm I of Prussia and Empress Maria Theresa did so in 1714 and 1766 respectively. This ultimate complication of the trials ended witch-hunting effectively. As witch-hunters could not afford to ignore the will of the monarch any more, they would have had to run the gauntlet through a long line of legal appraisals till they finally reached the monarch personally. Even though the German states still did not deny the existence of witches, actual witch trials became a merely theoretical option.<sup>47</sup>

It seems to be possible now to answer the question why Germany was "the mother of the witches". Why did the German lands witness so many witch trials?

German folk culture adopted the demonological concept of witchcraft early and thoroughly. During the 16th century, the demonological witchcraft doctrine mingled with folk belief. A popular demonology came into existence that the so-called common people, the majority of peasants and townspeople, began to use in order to interpret everyday experiences. In the second half of the 16th century, the belief in witches, in the full demonological sense, had taken deep roots in everyday culture. Witchcraft had become a 'passepartout' explanation for evil, be it confrontations with personal adversaries or experiences of misfortune like crop failure.

The Holy Roman Empire of the German Nation consisted of a large number of more or less independent principalities. Most of them had their own criminal courts. Many of these courts were staffed by lay judges. In many small towns, the members of the town council were judges of the town's criminal court even if they had never studied law. Torture was a 'normal' element of the legal system that could be used in all criminal cases. Thus, there were hundreds of criminal courts run by judges who had no or little legal training but could still use torture. A comparatively high number of witch trials was an almost inevitable result. However, in a large number of German states, matters were even worse. Many of the German territories were badly organized – especially the ecclesiastical states of prince bishops and prince abbots. Some of the princes of these weak territories allowed very small special administrations to come into existence that had the sole purpose of eradicating witchcraft. Such witch hunting institutions – be it princely special courts outside of the regular legal system or be it witch hunting committees of peasant villages – could claim hundreds of victims in a couple of years. The professionalization of the judiciary and the rise of a sophisticated state administration that allowed the government to supervise the local court critically ended the witch hunts. The witch hunts ended when professional judges and sophisticated legal administrations that included a system of governmental controls began to replace the old courts. When such legal and administrative reforms had taken place in a number of the more important German principalities, witch trials lost any semblance of

legitimacy. Even governments of poorly organized principalities did not dare to offer their subjects witch trials as a way to react to crisis anymore.

Today, numerous German towns have erected monuments in memory of the victims of the witch hunts. For better or worse, the witches or at least some types of witches are again part of everyday life in Germany. They feature in children's entertainment, in folklore and in kitsch for tourists. No Swabian carnival parade is complete without mummers wearing witch masks. The Brocken (Blocksberg), the most famous meeting place of the German witches, attracts numerous tourists. For a while, German feminists found car stickers with a woman on a broom amusing. German consumers seem to like tea and liquor sold under the label 'herbalist witch' ('Kräuterhexe'). The witches have not left their mother. It is unlikely that they ever will.

### Notes

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